

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

ROBERT GERALD PLUMMER,

Petitioner,

vs.

Case No. 06-CV-15189  
HON. GEORGE CARAM STEEH

ANDREW JACKSON,

Respondent.

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ORDER GRANTING, IN PART, PETITIONER'S MOTION TO  
ENLARGE TIME TO FILE OBJECTIONS (# 13)

Petitioner Robert Plummer moves for a 45-day extension to file objections to Magistrate Judge Paul Komives December 23, 2008 Report and Recommendation recommending that Plummer's habeas petition be dismissed. Plummer asserts he was served with the Report and Recommendation on January 5, 2009.

Plummer has 10 days after service of the Report and Recommendation to file objections, or by January 22, 2009. Fed. R. Civ. P. 72(b)(2); Fed. R. Civ. P. 6(a)(2), (d). Plummer filed the instant motion on January 9, 2009. Where, as here, a party moves for an extension of time before the original time for completing the act has expired, the court may grant an extension of time for good cause shown. Fed. R. Civ. P. 6(b)(1)(A).

Plummer apparently miscalculated the date on which his objections are due, asking the court to disregard the intermediate Saturdays, Sundays, and holidays between December 23, 2008 and January 5, 2009. For purposes of computing the date on which Plummer's objections are due, these intermediate days are irrelevant by operation of Fed.

R. Civ. P. 72(b)(2), which starts the clock on the date Plummer was served with the Report and Recommendation. Plummer's assertion that he needs 45 more days to file objections based on the fact that the Report and Recommendation is 37 pages in length is conclusionary and unavailing. Considering the time consumed in addressing Plummer's motion for an extension of time, the court finds good cause exists for extending the time for Plummer to file objections to February 6, 2009, approximately 2 weeks later than the original January 22, 2009 filing date. Accordingly,

Petitioner Robert Plummer's motion for an extension of time to file objections to the December 23, 2008 Report and Recommendation is hereby GRANTED, IN PART, to the extent Plummer may file objections on or before February 6, 2009.

SO ORDERED.

Dated: January 13, 2009

s/George Caram Steeh  
GEORGE CARAM STEEH  
UNITED STATES DISTRICT JUDGE

CERTIFICATE OF SERVICE

Copies of this Order were served upon attorneys of record on January 13, 2009, by electronic and/or ordinary mail.

s/Josephine Chaffee  
Deputy Clerk